IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20830 of 2004

Between:

G. Somaiah, S/o. G. Venkatramanappa, aged 62 years,
R/o. State Bank Colony, Dharmavaram, Anantapur district.

..... PETITIONER

AND

1 Regional TRansport Officer, & Secretary,

Regional Transport Authority, Anantapur district.
2 Motor Vehicle Inspector, Anantapur, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the Respondents in seizing and detaining the petitioner's Light Motor Vehicle (Maxi Cab) bearing Registration No. AP.02/U.4582 pursuant to the Vehicle Check Report No.490519, dt. 28.10.2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the Petitioner herein, forthwith.

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

The petitioner claims that he is the owner of the Light Motor Vehicle bearing No.AP.02/U-4582. He further contends that on 28.10.2004 while the vehicle was proceeding from Kondapalli to Dharmavaram, the 2nd respondent stopped the vehicle, checked the same and after issuing a check report, seized the said vehicle on the ground that the petitioner carried passengers in violation of permit conditions.

2. The petitioner contends that when he approached the 1st respondent, the vehicle was not released. Therefore, he approached this Court, seeking release of the vehicle by declaring that the seizure of the vehicle through the report dated 28.10.2004 as illegal, arbitrary and unjust.

3. The vehicle was seized on the ground that the petitioner violated the permit conditions. The matter is pending before the 1st respondent. It is likely to take some time to finalise the matter. In the meanwhile, the vehicle is likely to be damaged, if it is kept idle.

4. Therefore, the 1st respondent is directed to release the vehicle bearing No.AP.02/U-4582 to the petitioner for interim custody, pending enquiry, on complying the following conditions:

1. The petitioner shall not transfer the vehicle in favour of others;

2. He shall not change any parts of the vehicle without the permission of the 1st respondent;

3. He shall produce the vehicle as and when required by the 1st Respondent;

4. He shall deposit Rs.5,000/- (Rupees five thousand only)

with the 1st respondent;

5. He shall cause production of all the documents available with him and participate in the enquiry to enable the 1st respondent to pass appropriate orders on merits;

6. The 1st respondent is directed to receive a demand draft for Rs.8,540/- (Rupees eight thousand and five hundred forty only) from the petitioner, for adjustment towards the amount that is payable after passing appropriate orders by the 1st respondent.

7. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Regional Transport Officer & Secretary,
Regional Transport Authority, Anantapur District

2. The Motor Vehicle Inspector, Anantapur,
Anantapur District

3. Two CCs to the Government Pleader for Transport,
High Court Buildings, Hyderabad (OUT)

4. Two CD copies.